

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

PROGRESSIVE NORTHWESTERN INSURANCE
COMPANY a/s/o ROBERT LANNUCCI

-against-

UNITED STATES POSTAL SERVICE,

Defendant(s).

HURLEY, J.

CV 03 2690

COMPLAINT

ORENSTEIN, M.

Plaintiff, PROGRESSIVE NORTHWESTERN INSURANCE COMPANY a/s/o ROBERT LANNUCCI,

by its attorney, ALLEN D. WERTER, ESQ., complaining of defendant, alleges upon information and belief:

1. At all times hereinafter mentioned, plaintiff, PROGRESSIVE NORTHWESTERN INSURANCE COMPANY a/s/o ROBERT LANNUCCI, was and still is a corporation organized under the laws of a foreign state and authorized to do business in the State of New York.
2. At all times hereinafter mentioned defendant, UNITED STATES POSTAL SERVICE, was a governmental agency of United States of America.
3. That on June 10, 2001, plaintiff's subrogor, ROBERT LANNUCCI was the owner of a certain automobile.
4. That on June 10, 2001, defendant, United States Postal Service, was the owner of a certain Post Office Truck.
5. That on June 10, 2001, defendant, SHAUN TOMPKINS was the operator of defendant's motor vehicle with the permission and consent of United States Postal Service.
6. That on June 10, 2001, Franklin Avenue and Beltview Avenue, County of Nassau, State of New York was a publicly traveled roadway.
7. That at the aforementioned time and place, plaintiff's subrogor's motor vehicle and that of defendant were caused to come into violent collision.
8. That said collision caused property damages to plaintiff's subrogor's motor vehicle.
9. That on June 10, 2001, plaintiff was the insurer of ROBERT LANNUCCI for the aforementioned damages.
10. That plaintiff did pay to ROBERT LANNUCCI the sum of \$5,086.25.
11. That thereafter, plaintiff became subrogated to the rights of ROBERT LANNUCCI against defendant.

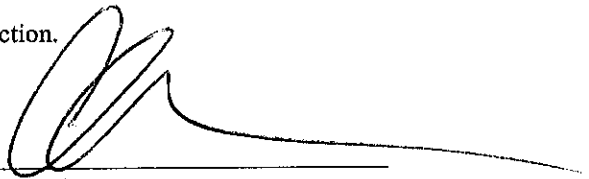
12. That on June 10, 2001, plaintiff did file a claim with defendant under provision of the Federal Tort Claims Act.

13. That defendant has denied this claim by virtue of its failure to respond.

14. That as a result of the foregoing, plaintiff has been damaged in the sum of \$5,086.25

WHEREFORE, plaintiff demands judgment against defendant in the sum of \$5,086.25, plus interest from June 10, 2001, and the costs and disbursements of this action.

Dated: Huntington, NY
April 25, 2003



Yours, etc.,
ALLEN D. WELTER
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